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OFFICE OF PETITIONS

In re Application of
Hwang et al.
Application No. 09/315,403
Filed: May 7, 1999
Attorney Docket No. 46000-0001

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 16, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 19, 2002, which set a shortened statutory period for reply of three (3) months. Extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed on November 18, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$920 extension of time submitted with the petition on December 16, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 3627 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Latrice Bond
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